

Application No. 09/779,799
 Preliminary Amendment dated September 30, 2003
 Reply to Office action of October 21, 2002
 Docket Number 19427/04099

REMARKS/ARGUMENTS

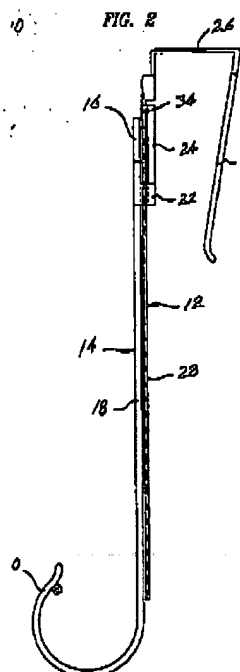
Reconsideration of the rejections of claims 1, 5 and 6 of this application is respectfully requested. By this Amendment, claims 1-17 are in this application. Claim 1 is amended for clarity. Reconsideration of this application is respectfully requested.

The § 103 Rejections

The Rejection of Claims 1, 5, and 6

Reconsideration of the rejection of Claims 1, 5 and 6 as unpatentable under 35 U.S.C. § 103 over U. S. Patent No. 6,311,851 to Knudsen et al. ("Knudsen"), in view of U. S. Patent No. 4,223,864 to Harlow ("Harlow") is respectfully requested.

The assembly of claim 1 comprises two strips that are engaged with one another via rearwardly and forwardly oriented projections and detents on the strips. As shown in Applicant's Figure 2, below left, and Figure 6 on page 9, the assembly recited in claim 1 comprises an elongated hanger strip (12) comprising a downwardly extending portion (a detent section, 28) having a plurality of vertically separated, forwardly facing detent members (32); and an elongated hook strip (14) having an upper portion (18) comprising a resilient engagement tab (16) having a rearwardly facing projection (30).



Applicant's
Figure 2

As shown in Figure 4 of Knudsen, reproduced below on page 8, the Knudsen assemblies involve several different extension legs that may be interchangeably attached to each other at either end of each leg via nuts and bolts inserted through holes in each leg to provide various configurations. (Knudsen, column 2, line 2, column 3, lines 6-8, 29-31, 46-48, and column 4, lines 1, 5, 17-18, and 21-22, Figures 2, 4, 6 and 7.) Knudsen does not disclose use of detents and projections (e.g., teeth) disposed on the legs to achieve engagement.

In contrast to the Knudsen assemblies, the plaque displaying devices of Harlow each involve only two display members that combine with one another in only one configuration via pairs of laterally-positioned teeth on one member

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and receiving detents on the other member (See Harlow Figure 7 shown below on page 8). Also in contrast to Knudsen, the laterally-oriented toothed engagement means of Harlow does not permit the members to be reoriented, nor does it permit more than two members to be combined.

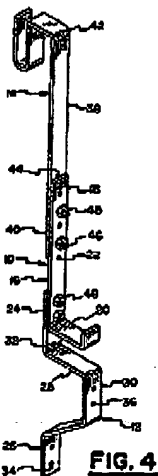
It would not be possible to employ the toothed engagement means of Harlow to achieve the various configurations disclosed in Knudsen without further adaptation. Neither reference provides any guidance regarding how or whether such adaptation could be achieved. Moreover, Harlow teaches a toothed engagement means that can be engaged only in one orientation, whereas Knudsen as a whole teaches the modular engagement of legs in various orientations. Adaptation of Knudsen to incorporate the toothed engagement means of Harlow would limit the possible combinations and arrangements of the Knudsen legs and thereby defeat the modular design of Knudsen. There is certainly no suggestion in Knudsen that modifications limiting the modular design would be desirable.

"The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Oetiker,

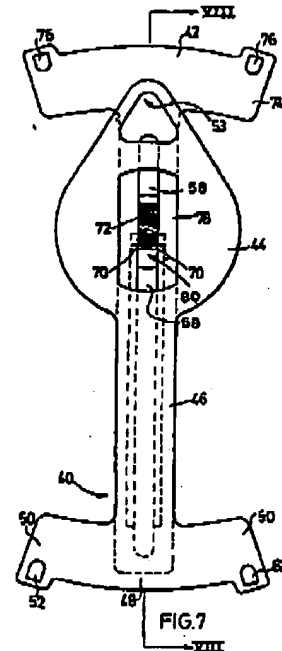
977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

Applicant respectfully submits that the disclosure of Knudsen in no way suggests desirability in adapting the Knudsen assemblies by adding features disclosed within Harlow, in particular, the toothed engagement means employed in the Harlow devices. Given the design of the Knudsen assemblies, it is not evident that such adaptation could even be achieved. Moreover, if Knudsen could be so adapted, the modular design of the Knudsen assemblies would be limited.

Further, Applicant respectfully states that neither Knudsen nor Harlow alone or in combination discloses every feature as recited in claim 1, in particular, the resilient engagement tab (16) having a rearwardly facing projection and the backing tab (24) as recited in claim 1. As shown in



Knudsen's
Figure 4



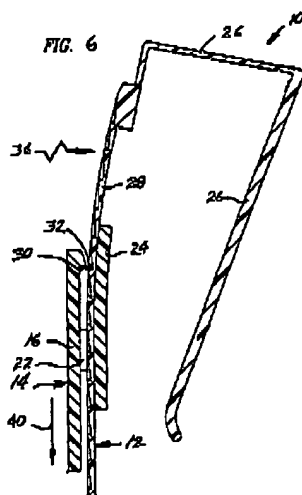
Harlow's Figure 7

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Applicant's Figure 6, left on page 9, the rearwardly facing projection (30) of claim 1 interfits with the detent members on the hook strip (32) to lock the hanger after the desired relative positions of the hook and hanger are achieved. The backing tab works in opposition with the engagement tab having a rearwardly facing projection to bias the projection with the detent portion and to maintain alignment of the hook and hanger strips. The engagement tab cooperates with the backing tab to actuate engagement and disengagement of the rearward projection and the detent members. Knudsen does not disclose these features, and Harlow does not provide what Knudsen lacks.

The devices of Harlow provide toothed projections on each member which service to lock the members in position relative to each other. None of the toothed projections of Harlow are positioned in a rearward, or even a forward orientation, thus, they are very different from the rearward projection recited in claim 1. Each of the Harlow assemblies consist of a first member with teeth disposed on the side of a centrally located projection of the member, which engage with laterally arranged rows of complimentary teeth located on the second member (See Figures 3, 9, 11 and 12 of Harlow). Locked engagement of the toothed projections of Harlow is maintained by the engagement of the projection teeth with the slot teeth. (See Harlow, column 4,

lines 32-37). Quite plainly, Harlow does not teach or suggest the feature of an engagement tab having a rearwardly facing projection, and Harlow does not teach a backing tab for maintaining engagement, as recited in claim 1.



Applicant's Figure 6

Likewise, the method by which the toothed engagement means of Harlow are actuated is very different as compared to the projection and detent engagement means of Applicant's devices. In each of the Harlow devices, the toothed projections are thumb-depressed to disengage the laterally oriented teeth from the teeth of the complementary member by displacement within the slot on the complementary member. (Harlow, column 2, lines 47-52, column 3, lines 36-41.) In contrast, Applicant's resilient engagement tab is grasped and maintained with a

forward-directed force relative to the detent portion of the hanger strip and the coordinated

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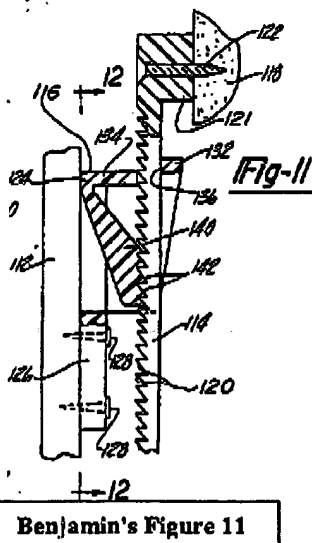
application of a rearward-directed force on the backing tab so as to permit disengagement of the rearwardly facing projection from the detent portion and allow free movement of the hanger strip.

For the foregoing reasons, Applicant respectfully requests reconsideration of the rejection of claim 1 as being unpatentable over Knudsen in view of Harlow. Reconsideration of the rejections of Claims 5 and 6 is also respectfully requested. Claims 5 and 6 depend directly from Claim 1 which is believed allowable for the reasons set forth above.

The Rejection of Claims 1-3, 5, and 6

Reconsideration of the rejection of Claims 1-3, 5 and 6 as unpatentable under 35 U.S.C. § 103 over U. S. Patent No. 6,311,851 to Knudsen et al. ("Knudsen"), in view of U. S. Patent No. 4,557,455 to Benjamin et al. ("Benjamin") is respectfully requested.

Applicant respectfully submits that the disclosure of Knudsen in no way suggests desirability in modifying the Knudsen wreath hanging and decoration supporting assembly to utilize the teathed engagement means according to the teaching of Benjamin. The Benjamin securing devices, like those of Harlow, provide only for two interfitting securing members, which members can be combined only in one orientation relative to each other via the engagement of teeth, and cannot be combined with additional members. Lacking guidance from either Knudsen or Benjamin regarding further adaptations of their teachings, it would not be



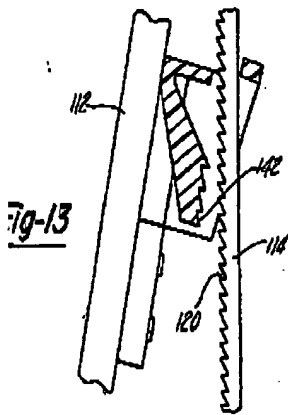
possible to employ the toothed engagement means used to interfit the securing members of Benjamin to achieve the various modular configurations disclosed in Knudsen. Accordingly, it would not have been desirable, and as a result, not obvious to one of ordinary skill in the art to apply the teachings of Benjamin to the Knudsen assemblies.

Additionally, Applicant respectfully states that neither Knudsen nor Benjamin alone or in combination discloses every feature as recited in claim 1. In particular, claim 1 recites a resilient engagement tab having a rearwardly facing projection and backing tab. Knudsen does not disclose or teach such features and Benjamin

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does not provide what Knudsen lacks.

Benjamin's Figure 13



In contrast to Knudsen, Benjamin discloses variations on a mechanism in which multiple teeth on one strap member are engaged in opposition with teeth on a latch which is affixed to a wall or to an item such as a picture or a panel (See Figure 11 of Benjamin, left.). The operation of the Benjamin system involves movement of the latch relative to the strap member actuated by forward displacement of the bottom portion of the latch from the opposing strap member. (See Figure 13 of Benjamin, left) In contrast, as shown in Applicant's Figure 6, to operate the engagement means, the projection and detent engagement of the assembly of claim 1 is actuated by grasping the engagement tab with a forward-directed force relative to the detent

portion of the hanger strip and the coordinated application of a rearward-directed force on the backing tab so as to permit disengagement of the rearwardly facing projection from the detent portion and free movement of the hanger strip to allow for adjustment of the hook strip relative to the hanger strip. Benjamin does not teach or suggest these features or these operations.

For the foregoing reasons, Applicant respectfully requests reconsideration of the rejection of claim 1 as being unpatentable over Knudsen in view of Benjamin. Reconsideration of the rejections of Claims 5 and 6 is also respectfully requested. Claims 5 and 6 depend directly from Claim 1 which is believed allowable for the reasons set forth above.

New Claims 7 - 17

New claims 7 - 17 have been added are believed to contain allowable subject matter. Support for the new claims is found in the application as originally filed as follows: Support for new claim 7 is found in Figure 6 and at page 6, lines 10-13. Support for new claim 8 is found in Figures 2, 5 and 6, and original claim 3. Support for new claim 9 is found in original claim 1 and pages 5-6. Support for new claim 10 is found in Figure 6, and page 6, lines 10-13 and 16-19. Support for new claim 11 is found in original claim 1, and Figures 2, 5, 6 and 7. Support for new claim 12 is found in Figure 7 and at page 5, lines 5-8. Support for new claim 13 is found is found at page 5, lines 4-5. Support for new claim 14 is found in claim 1, Figures 2, 5 and 6, and

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at page 5, lines 1-11. Support for new claim 15 is found in Figure 7 and at page 5, lines 5-8. Support for new claim 16 is found at page 5, lines 4-5. Support for new claim 17 is found in claim 4. Claim 17 is the text of claim 4 written in independent form to include the intervening claims. No new matter is entered by addition of the new claims.

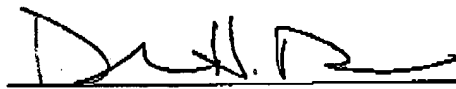
Conclusion

In view of the amendment to this application and the remarks made above, reconsideration and allowance is respectfully requested.

Applicant believes that his application is now in condition for allowance, and prompt notice to that effect is respectfully requested.

Respectfully submitted,

Date: Jan 22, 2004


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